

ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
GOVERNMENTAL CENTER

Tuesday, July 25, 2006

Present: Commissioner President Thomas F. McKay

Commissioner Kenneth R. Dement

Commissioner Lawrence D. Jarboe

Commissioner Thomas A. Mattingly, Sr. (absent)

Commissioner Daniel H. Raley

George G. Forrest, County Administrator

Betty Jean Pasko, Senior Admin. Coordinator (Recorder)

The meeting was called to order at 9:22 AM

APPROVAL OF CHECK REGISTER

Commissioner Raley moved, seconded by Commissioner Jarboe, to authorize the Commissioner President to sign the Check Register as presented. Motion carried 4-0.

APPROVAL OF MINUTES

Commissioner Jarboe moved, seconded by Commissioner Dement, to adopt the minutes of the Commissioners' meeting of July 18, 2006, as presented. Motion carried 4-0.

Department of Economic & Community Development: Rockin' and Reel-in Fishing Contest

Present: Carolyn Laray, Tourism Manager, DECD

Phil Langle. SMC Charter Captain

The community was invited to participate in the annual Rockin' and Reel-in Fishing Contest. The Contest runs August 1 – October 31, 2006, and is sponsored by St. Mary's County Tourism, St. Mary's Charter Boat Captains, and community sponsors Tackle Box, Ken Lamb, and Guy Distributing.

COUNTY ADMINISTRATOR

1. Draft Agendas for August 1 and 8, 2006

2.

Department of Economic and Community Development (*John Savich, Director, DECD;*

Dennis Nicholson, Executive Director; Rhonda Garcia, Program Manager)

Commissioner Raley moved, seconded by Commissioner Dement, to approve and sign the Resolution in support of the Housing Authority of St. Mary's County FY07 for the Community Legacy Applications and Lexington Park Revolving Loan Fund Project from the Maryland Department of Housing and Community Development. Motion carried 4-0.

3. Department of Recreation, Parks, and Community Services (*Phil Rollins, Director, RP&CS; Debra Pence, Museum Director*)

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign the Chesapeake Bay Gateways Network MOU between the Maryland Dept. of Natural Resources, the Board of County Commissioners, and the National Park Service regarding partnership commitments for St. Clement's Island and the St. Clement's Island Museum. Motion carried 4-0.

4. Dept. of Finance / Maryland Dept. of Agriculture (Mark Smith, Agronomist, MD Dept. of Agriculture; Lotti Bell, Budget Analyst, Dept. of Finance)

Commissioner Raley moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign the FY07 Grant Agreement between the Maryland Dept. of Agriculture and the Board of County Commissioners for St. Mary's County for the purpose of allocating funds and providing a program for the Control and Eradication of specific Noxious Weeds. Motion carried 4-0.

5. Dept. of Finance / Information Technology (Elaine Kramer, CFO; Bob Kelly, Director IT)

Commissioner Raley moved, seconded by Commissioner Jarboe, to approve the use of previously authorized exempt financing in the amount of \$62,541 for IT server replacement. Motion carried 4-0.

6. Boards and Committees

Commissioner Jarboe moved, seconded by Commissioner Raley, to appoint the following St. Mary's County citizens to Boards, Committees, and Commissions:

Electrical Examiners Board: Joe Lynch

Family Violence Coordinating Council: John E. Helldorfer - *Advocate Representative*, Laura Joyce - *Southern Maryland Center for Family Advocacy Representative*, Kathleen M. Lyon - *St. Mary's County Public Schools Representative*, Kathleen O'Brien - *Walden/Sierra Representative*, and John F. Slade, III - *District Court Representative*

Historic Preservation Board: James Daniel (Danny) Johnson, Jr.

Dept. of Land Use & Growth Management: Proposed Zoning Map Amendment re Sewer Capacity Associated with Ryken's Annexation

Present: Jeff Jackman, Sr. Planner, LU&GM

The County Commissioners' Public Hearing on this proposal was held on July 11, 2006. The purpose of the hearing was to consider amending the Official Zoning Maps of the Comprehensive Zoning Ordinance to change zoning overlay designation of the property known as Parcel 7, Grid 7, Tax Map 41, owned by St. Mary's Ryken, Inc., from Resource Conservation Area (RCA) to Intensely Developed Area (IDA). The proposed amendment corrects a zoning classification error that was in Ordinance 90-11 and carried forth in the adoption of the St. Mary's County Comprehensive Zoning Ordinance in 2002.

No additional comments were received during the open record period following the hearing.

The next step in the process is to submit the request to the Critical Area Commission.

Commissioner Raley moved, seconded by Commissioner Dement, that Zoning Map-41 be amended to change the Critical Area overlay on Parcel 7, Tax Map 41, Ryken High School, from RCA to IDA as recommended by staff and by the Planning Commission. Motion carried 4-0.

Department of Public Works & Transportation: Discuss CIP New Meeting Room and Front Porch Addition Project Alternatives

Present: George Erichsen, DPW&T Director

Mr. Erichsen provided a schedule, bid process update, and cost and time proposals for project options under consideration, including the possible upgrading of the existing building.

Renovating the Governmental Center versus building a new building and the need to consider options in the interim, such as replacing carpet, tile, and painting, was discussed. Commissioner Jarboe suggested contacting the Historic Preservation Committee regarding possible historic significance of the Governmental Building.

It was clarified that the new meeting room is not just for the Commissioners, but is needed to provide adequate seating for public attendance at hearings and other public meetings. The meeting room is also used by various other County departments and committees.

The Board directed staff to proceed with plans to build a new meeting room, to include a "roughed-in" second floor. Potential second floor occupants and space needs issues will be addressed later in 2007, along with the necessary upgrades to the Governmental Center.

VOTE TO MOVE INTO EXECUTIVE SESSION

Commissioner Raley moved, seconded by Commissioner Dement, to enter into Executive Session for the purposes of discussing real property acquisition and litigation matters as provided for in Article 24, Sections 4-210-(a)11 and 4-210(a)8, respectively. Motion carried 4-0.

EXECUTIVE SESSION

Real Property

Present: Commissioner Thomas F. McKay, President

Commissioner Kenneth R. Dement

Commissioner Lawrence D. Jarboe

Commissioner Daniel H. Raley

George Forrest, County Administrator

Christy Chesser, County Attorney

John Savich, Director, DECD

Donna Sasscer, Agriculture Manager, DECD

Liz Passarelli, Real Property Manager

Elaine Kramer (portion of discussion)

Donna Gebicke, Administrative Assistant to the BOCC, Recorder

Absent: Commissioner Thomas A. Mattingly, Sr.

Authority: Article 24, Section 4-210(a)11

Time Held: 11:06 am - 11:45 am

Action taken: The Commissioners discussed real property acquisition.

Real Property

Present: Commissioner Thomas F. McKay, President

Commissioner Kenneth R. Dement

Commissioner Lawrence D. Jarboe

Commissioner Daniel H. Raley

George Forrest, County Administrator

Christy Chesser, County Attorney

George Erichsen, Director, DPW&T

Liz Passarelli, Real Property Manager (portion)

Donna Gebicke, Administrative Assistant to the BOCC, Recorder

Absent: Commissioner Thomas A. Mattingly, Sr.

Authority: Article 24, Section 4-210(a)11

Time Held: 12:06 pm – 12:32 pm

Action taken: The Commissioners discussed real property acquisition.

Litigation

Present: Commissioner Thomas F. McKay, President

Commissioner Kenneth R. Dement

Commissioner Lawrence D. Jarboe

Commissioner Daniel H. Raley

George Forrest, County Administrator

Christy Chesser, County Attorney

Donna Gebicke, Administrative Assistant to the BOCC, Recorder

Absent: Commissioner Thomas A. Mattingly, Sr.

Authority: Article 24, Section 4-210(a)8

Time Held: 12:32 – 12:55 pm

Action taken: The Commissioners discussed pending litigation matter.

ACTION FROM EXECUTIVE SESSION

Commissioner Jarboe moved, seconded by Commissioner Dement, to direct staff to proceed as discussed in Executive Session with regards to Property Acquisition. Motion carried 4-0.

Commissioner Raley moved, seconded by Commissioner Dement, to direct staff to proceed as discussed in Executive Session with regards to Litigation matter. Motion carried 3-1. Commissioner Jarboe voted no.

Commissioner Jarboe moved, seconded by Commissioner Dement, to authorize Commissioner President to sign the Right of Entry Agreement as discussed in Executive Session. Motion carried 4-0.

Public Hearing: Fifth Amendment to Sheriff's Office Retirement Plan

Present: Sue Sabo, Director, Human Resources

Dee Snyder, Benefits and SORP Coordinator

The purpose of the Public Hearing was to address the Fifth Amendment to the Sheriff's Office Retirement Plan that encompasses four changes. Ms. Sabo provided a summary review of the Plan changes:

Change 1 (Section 2.02(f)): Deletes the requirement that a participant must resume employment with the Sheriff's Office within one year of military deployment in order to receive service credit for that military service. The reemployment requirements vary depending on the length of deployment. The amendment will now simply reflect that we will comply with the Uniformed Services Employment and Reemployment Rights Act.

Change 2 (Section 2.07): Deleted the clause that stated a participant must elect within one year of hire date to purchase service credit from another government employer. This change resolves a conflict in the plan document that allows a participant to make such an election at any time.

Change 3 (Section 2.09(c)): Clarifies the five year limit on military service credit for service performed **prior to employment** with the Sheriff's Office. Credit for military service performed during **a leave of absence** from the Sheriff's Office will be calculated in accordance with the Uniformed Services Employment and Reemployment Rights Act (Section 2.02(f)).

Change 4 (Section 4.04 (e)(4)(i)): Deleted the requirement for participants who receive a disability benefit to furnish a copy of his or her federal income tax return each year. The Board of Trustees is in the process of amending the Disability Procedures to delete this requirement. Participants will only be required to submit an affidavit verifying employment, income, and other disability benefits.

There was no public comment presented at the Public Hearing. The hearing was closed, but will remain open for written comments for ten days.

Commissioner's Time

Commissioner Dement

Apologized for not being able to attend the Change of Command ceremony. Represented the BOCC at the services for Mrs. Sothorn.

Also apologized, had another commitment in reference to the St. Mary's County Advanced Life Support Unit Installation of Officers on Saturday evening.

Attended the Leonardtown Wharf ground breaking ceremony.

Attended and recognized George Fenwick on his retirement after 40 years service, presenting a proclamation on behalf of the BOCC. Commuting from St. Mary's County, Mr. Fenwick worked at the Naval Warfare Center in Indianhead.

Commissioner Jarboe

On behalf of all of the Commissioners, extended condolences to the family of U.S. Army CPL. Matthew Wallace, who recently succumbed to injuries received in Iraq.

Commissioner Raley

Added that the Change of Command ceremony was very impressive. Congratulations to Capt. Henry who is retiring and look forward to working with Capt. Ives.

Unable to attend the ALS installation, due to grandson's 2nd birthday party.

Commissioner McKay

Also regarding ALS (Advanced Life Support), congratulated the men and women for their commitment and effort to provide some of the best 1st responder medical services for our citizens; they do a terrific job under strenuous circumstances.

Thanks to Commissioner Jarboe, we were able to get Dr. Roache to autograph a full-size picture of himself for display in the Governmental Center, under the 'County's "Most Wanted Physician's list.".

Regarding the Change of Command, commented that Capt. Henry set a very high standard of community activity and relationships and thanked him for his commitment, not just to Pax River, but to St. Mary's County. Commissioner McKay added that he is sure Capt. Ives is up to the commitment

VisitS TO Local Businesses

The Commissioners recessed and reconvened at SSI Custom Plastics, followed by a visit to Ship Point Machine Co., Inc.

ADJOURNMENT

The meeting adjourned following the visit to Ship Point Machine.

Minutes Approved by the Board of County Commissioners on _____

Betty Jean Pasko, Senior Administrative Coordinator